

# The Washington Times

WASHINGTON, SATURDAY, SEPTEMBER 6, 1919.

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SECTION TWO.

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## SECTION TWO.

## Gardiner Gives Capital Traction \$5,150,000 More In Dissenting Valuation

### How Gardiner Differs On Railway Valuation

Commissioner Gardiner differs from his colleagues in railway valuations upon three great fundamentals:

1. Completely as to Supreme Court decisions, which he claims uphold his dissenting opinion in the Capital Traction case to the fullest extent.

2. As to valuation being made as of July 1, 1914, five years ago, instead of at the present time, reasonable allowances to be made for prices of reconstruction of this period, which, though abnormal, will never return to pre-war prices, he says.

3. As to franchises being property rights, declaring that Supreme Court holds that they are of value in transfer of properties.

Fixes valuation of Capital Traction at \$19,420,495 instead of \$14,270,495.

His colleagues hold that franchises cost companies nothing and that the public should not pay a return upon these in valuations. Dissenting opinion in W. R. and E. case due next week.

By BILL PRICE.

Radically differing from his colleagues of the Public Utilities Commission in his findings as to the valuation of the physical property of the Capital Traction Company, Commissioner Gardiner today made public his own conclusion, which allows that company \$5,150,000 more than Commissioners Kutz and Brownlow, making a total valuation of \$19,420,000 instead of \$14,270,495.

Mr. Gardiner will make public next week his dissenting opinion in the findings as to the valuation of the Washington Railway and Electric Company, and he will unquestionably pursue some of the same lines of reasoning that caused him to reach his conclusions in the Capital Traction case.

## FIGURES COSTS AS OF 1917.

There are wide fundamental differences in the attitudes taken by the majority members of the Commission, and by Mr. Gardiner. The latter does not agree that the valuations should have been based as of July 1, 1914, with simple additions since then of money spent for capital purposes. He believes the public utilities law intended valuations to be made as of the present date, with present costs of reconstruction figuring to some extent.

The \$5,150,000 Mr. Gardiner allows the Capital Traction is composed of what other members of the Commission declare "unjustified" franchise values, good will, etc. Mr. Gardiner, a trained lawyer, likewise constructs the decisions of the United States Supreme Court entirely differently from his colleagues, and bases all his findings on a thorough consideration of all public utility decisions rendered by that court as a lawyer, he is confident his conclusions of law will be accepted by the courts, to which both railway companies will make appeals.

In fact, the appeal is to be made against the findings of the majority of the Commission by the companies. Mr. Gardiner's dissenting views go comprehensively and fully into all these decisions, quoting freely from the views of the Supreme Court.

Mr. Gardiner does not believe the heads upon which his colleagues arrived at their valuations is correct. He goes into this at length, portions of his opinion being as follows:

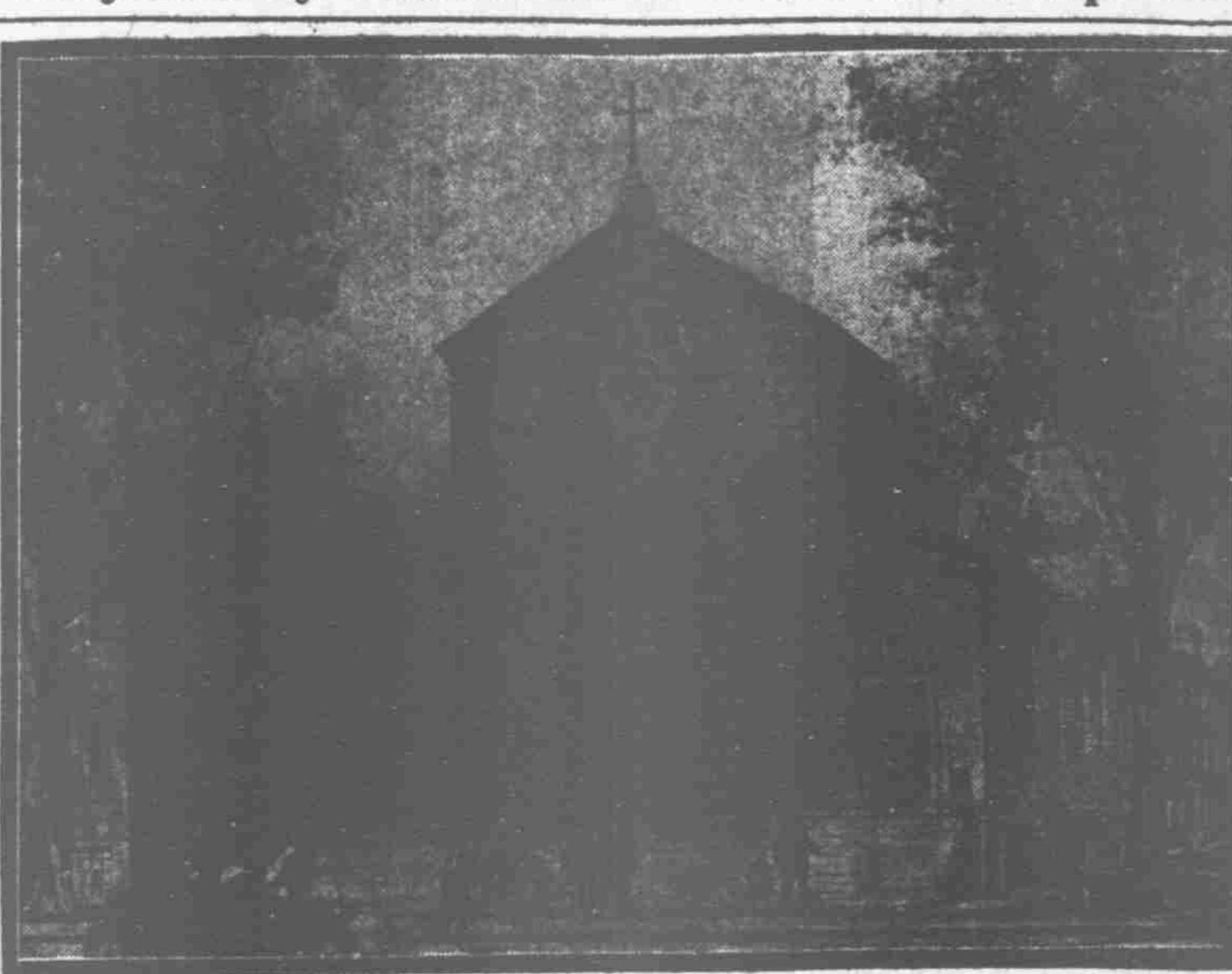
"My associates, by the majority opinion of the Commission, have in cases have undertaken, and have, in fact, fixed an arbitrary date, to-wit: July 1, 1914, as the date on which all calculations and estimates by the majority of the Commission, having to do with ascertaining the fair value of the property, shall be based. They concede that the valuation of this company and the findings of the Commission on the valuation shall be as of the date of its opinion. They say, however, that having found its value as of July 1, 1914 (that fixed by them) the company is entitled to no more than to add to that value, so found, all proper capital expenditures made by the company since that date.

"In this conclusion and finding of the Commission I cannot concur. "Paragraph 7 of the public utility act provides that the Commission shall value the property of every public utility within the District of Columbia, actually used and useful for the convenience of the public, at the fair value thereof at the time of said valuation. Paragraph 9 of the same act provides that the Commission at any time might make the revaluation of the property."

"By the terms of the latter paragraph, it will be seen that the revaluation of the property of this company may be had by the Commission at any time; and, therefore, surely Congress did not intend that this Commission should begin on November 6, 1916, a hearing in this case for the purpose of arriving at the value of the property, which did not end until September, 1919, and date back its findings in effect as of July 1, 1914.

"Had the conditions continued which existed at that time, while the methods would have been wrong in my opinion, the result would have been harmless. The fact is, however, that conditions exist today in this country and in all countries that no human mind even dreamed of in 1914. No human forethought could have conceived the changes that have taken place in this and other civilized countries during this world war which has been going on during the whole time

## Holy Rosary Church As It Will Look Completed



The Holy Rosary Church as it will look when completed. The corner-stone for the church will be laid tomorrow at Third and F streets northwest. Cardinal Gibbons and the Italian ambassador will be present. Italian societies also will attend the ceremonies.

tain the value of the property of every public utility in the District of Columbia in order that the commission should intelligently and fairly arrive at a determination as to what should be allowed by way of earnings to the company."

## Rock Creek Purchase.

Mr. Gardiner then enters fully into the purchase by the Rock Creek Railway Company—now the Capital Traction Company—of the Washington and Georgetown Railway Company. This purchase was by contract, which the majority of the commission refused to consider binding upon them. This purchase was made through a contract entered into September 21, 1905, a commission interested in the two roads having found the value of the latter road to be \$10,750,000. Mr. Gardiner points out that the property was most valuable then, extending through a portion of the District that is still most valuable—that from Georgetown to the navy yard and elsewhere.

The consideration was an amount equal to the market value of the stocks and bonds of the Washington and Georgetown Company. This market value, Mr. Gardiner holds, was not met by temporary arrangement nor by inflation for stock jobbing. The company was earning and paying large dividends. Much difficulty was found in obtaining the consent of stockholders to the sale. The sale had the approval of Congress and of the District Commission. The company had the confidence of the public and gave good service.

"If, for one," says Mr. Gardiner, "I believe it to be the duty of the commission to protect those who honestly and innocently invested their money and not take from them \$5,143,907 of the value of their property because a commission created fifteen years after the transaction believes that the purchase price was in excess of the sum the commission thinks should have been paid."

Mr. Gardiner then enters into various legal opinions which sustain these conclusions, especially the Consolidated Gas case, rendered January 12, 1919.

Mr. Gardiner declares that the Supreme Court in this case did say and knew what it was saying that "franchise value of this nature is property, and cannot be used by others without compensation."

## This Franchise Question.

This subject of franchise is one of the biggest in the valuation findings. In the Washington and Georgetown case, the majority members of the Commission declared that according to the Capital Traction's own figures the tangible property transferred to it from the Washington and Georgetown Company amounted to only \$5,000,000 in round figures, as to the value of the \$10,750,000 being in tangible property "which may or may not be considered as representing franchise value."

Then the majority says: "The question is presented whether or not the public shall be compelled for all future time to pay a return upon an intangible value which certainly does not represent investment."

## Same as to W. R. &amp; E.

Practically the same question as to "intangible values" is presented in the claims of the W. R. & E., which Mr. Gardiner must pass upon. That company claims \$2,500,000 for "property rights in easements," literally speaking, franchise rights.

## Cost Companies Nothing.

The majority members hold that the franchise rights cost the railway companies nothing except as to attorneys' fees before Congress, and that the public should not be compelled to pay a return upon something which the companies paid nothing for, and have no right to ask valuation for.

The W. R. & E. also claims that the franchise rights cost the company time would cost about \$7,500,000 more than the reproduction cost arrived at by the Commission as of July 1, 1914, five years ago. Mr. Gardiner's opinion shows his view on this subject, although in the Capital Traction case he did not add anything to the valuation of the Capital Traction for difference in the cost of construction July 1, 1919, and the present time.

Don't let careless expenditure make a sieve of your purse. Buy wisely, and increase your money holdings by investing in W. R. & E.

## DISTRIBUTION IS STARTED BY FOOD LEAGUE

300 Pounds of Butter Sent to Two Co-operative Stores As a "Feeler Out."

The Citizens' Co-operative Buying and Selling League has begun the distribution of food in Washington in the attempt to cut the cost of living.

John G. McGrath, general manager and purchasing agent for the organization, today sent 300 pounds of butter to the Washington Steel and Ordnance Company and the Park View Co-operative store as the first official distributing step of the league. Mr. McGrath explained that he did this as an experiment to ascertain how the products would be received by the community groups.

There is still a considerable quantity of the same shipment of butter in storage, which Mr. McGrath expects to send to other centers for sale. In addition to the butter, there are on hand, it is reported, about 1,000 pounds of coffee, and the distribution of this to the various community centers will begin next Monday.

These commodities were the first purchased by the league and are for distribution, as proposed by the original plans of that organization. As soon as the membership increases, and a sufficient capitalization fund is established, the work will take on a broader scope.

Work on the home for the Treasury Department co-operative store has already begun. Carpenters are now at work in the sub-basement of the Treasury Building, clearing the 6,000 square feet of space and putting in necessary shelving. It is expected to be ready for occupancy within a week.

## League Is Purchasing Agent.

The league, it is understood, proposes to act in the capacity of purchasing agent for the various co-operative and community stores already established and that will be established. The league does not intend to establish any distributing stores of its own, but will use the departmental stores and community centers.

Mr. McGrath is both purchasing agent for the league and general manager of the Treasury store. He has emphasized the necessity for the group stores, and pointed out, without them the league cannot succeed.

An extensive campaign is being inaugurated by P. C. Myers, chief clerk of the Treasury Department, to gain members for the new Treasury Department co-operative store. Mr. Myers today sent a letter to every division head in the department soliciting subscribers.

Employees in the department who subscribe to the movement will be asked to submit a list of articles they wish the store should handle. Staple food products probably will be the first items to be handled by the store. Mr. Myers today said he expected to be in a position next Friday or Saturday actually to begin the purchase of commodities.

Distribution of the surplus army food by parcel post is continuing. Mr. Kerlin reported today, with the orders received during the last few days scheduled to be delivered before this evening. Mr. Kerlin tomorrow will issue a revised list of the articles on hand and their prices.

## BAND CONCERT

ON THE ELLIPSE THIS AFTERNOON AT 5 O'CLOCK BY THE U. S. MARINE BAND. WILLIAM H. SANTELMANN, Leader. March, "Old Comrades," "Talks Overture," "The Swan Lake," "The Star-Spangled Banner."

## HIGH DIGNITARIES TO LAY CORNERSTONE

The laying of the cornerstone for the church of the Holy Rosary, at Third and F streets northwest, will be the occasion for elaborate exercises tomorrow afternoon by residents of Washington of Italian birth or descent.

The distinguished church dignitaries who will attend the ceremony will be Cardinal Gibbons, the Italian ambassador and all the members of the Italian embassy have been invited to be present. The Rt. Rev. Mgr. C. F. Thomas, rector of St. Patrick's Church, will deliver a sermon, and the Rev. D. Nepote, C. M. of Baltimore, will talk in Italian.

Italian societies, in honor of the occasion, will form in military formation at Third and I streets northwest tomorrow afternoon and proceed to the site of the church. Among the organizations participating will be the Italian Military Band, Holy Rosary Boys' Band, Holy Name Society, Italian Catholic Society, Children of Mary, Union of Italian Catholics, Women of Washington, Christian Mothers' Society, and others.

The church was designed by Maximilian & Walsh, architects of Boston, and will be in early Italian Renaissance style. The plans admit of future extensions on the F street side.

## ELECT OFFICERS OF WAR DEPT. STORE

Employees of the War Department, in an effort to combat the high cost of living problem, yesterday formally inaugurated the War Department Co-operative Store Association by electing officers to serve until the annual meeting in January.

Full co-operation was assured the new organization by Brig. Gen. H. M. Lord, director of finance of the army, and Col. Michener and Colonel Graves, representing General Rogers, quartermaster general of the army, who promised the association household articles which could be sold considerably below the market price.

General Lord encouraged the establishment of that organization on a firm basis by pointing out that there was a great need for such an institution. He said that an officer of his rank had difficulty in meeting current prices, and that the problem presented to the average War Department employee was even greater.

John G. Schofield, chief clerk of the War Department, presided over the meeting of 200 members.

The following officers were elected to serve until the regular annual meeting: W. F. Roe, motor transport division, president; A. F. Kaiser, purchase division, vice president; Miss Ruth M. Cleaver, purchase, storage and traffic, secretary; Mrs. M. K. Ferguson, purchase, storage and traffic, assistant secretary; John A. Shell, purchase, storage and traffic, treasurer.

The board of directors is composed of the following: D. J. Barton, substance division; James C. Blackwell, finance; Miss Ruth H. Bennett, engineers; F. B. Bourn, supplies; Miss Jessie Dell, finance; J. F. Kealey, purchase and storage; Harry S. O'Neill, real estate; P. M. Hoadley, office of secretary of War, and M. A. Watson, office of chief of staff.

## FREE FILE SCHEMULE OF BOOSTED PAY

Increases of \$500 to \$640 Per Annum Asked of Congress.

Salary increases for the Washington fire department, ranging from \$500 a year to the chief engineer to \$640 for privates of class 1, are carried in a schedule that has been filed with Chairman Norman J. Gould, of the House subcommittee to investigate police salary increases.

The schedule of salaries was prepared, at the request of Mr. Gould, by the International Association of Fire Fighters. This organization is affiliated with the American Federation of Labor. It said to be a basis by the House subcommittee when it begins its investigation next week.

No formal request for salary increases for members of the fire department has been received by the committee, but a bill setting forth proposed increases is looked for next week from the District Commissioners.

## Approved by Labor.

The schedule of the Fire Fighters' Association has the approval of organized labor. It is said to be a fair schedule for firemen in the District of Columbia. Here are the increases and present salaries: Chief engineer, now receiving \$3,500, would receive \$4,000. Deputy chief, now receiving \$2,500, would receive \$3,000. Battalion engineers now receiving \$2,340, including the \$240 bonus, would receive \$3,000.

The fire marshal would have his salary increased from \$2,240, including bonus, to \$3,000. The deputy fire marshal, now receiving \$1,640, including bonus, would receive \$2,250, plus the bonus.

The superintendent of machinery, now receiving \$2,240, including bonus, would be increased to \$3,000.

Big Boost for Privates. Privates of Class II, now receiving \$1,300, including bonus, would be increased to \$1,600, plus bonus.

Privates of Class I, now receiving \$1,200, including bonus, would be increased to \$1,500, plus bonus. Captains now receiving \$1,740, including bonus, would be increased to \$2,250.

Lieutenants now receiving \$1,900, including bonus, would receive \$2,200, plus bonus. Sergeants, now receiving \$1,440, including bonus, would receive \$1,920, plus bonus.

Engineers now receiving \$1,440, including bonus, would receive \$1,920, plus bonus. Assistant engineers now receiving \$1,380, including bonus, would receive \$1,860, plus bonus.

Gathering Salary Data. Mr. Gould is gathering data showing firemen's salaries in various cities of the country and as soon as the subcommittee begins its hearings, will be prepared to lay before it comparative figures relating both to salaries and living conditions in various parts of the country.

It appears that the investigation of salaries in the fire department may begin before the inquiry into police salaries, due to the present agitation over the unsettled condition of the police department.

## FIND FOUR HEROES WHO WON MEDALS

Since publication in The Times that war decorations awaited four Washington heroes at the Army Recruiting Station, 509 Tenth street northwest, the three Croix de Guerre and a Distinguished Service Cross have all been claimed by the men who earned them on the Western front.

The men were located are Major Charles B. Elliott, Private Charles B. Handy, Private John E. Clifton, and Private Charles Gross, all of whom fought in District detachments. Their addresses had been mislaid in War Department records, and their awards had not reached them while in Europe. They followed them to Washington and found them.

## CITY CLUB'S NEW "FAMILY DAYS" WILL BEGIN SEPT. 14

Officers of the City Club have announced that the new schedule of "family days" will not go into effect until Sunday, September 14.

Beginning on that date, Sundays, Tuesdays and Thursdays will be designated "family days," on which the families of members of the club will be entitled to the privileges of the clubhouse.

Until the new schedule becomes effective, Mondays and Thursdays will remain "family days."

## SUES W. R. & E. FOR \$10,000 FOR ALLEGED SERIOUS HURT

George Erskine has filed suit in the District Supreme Court against the Washington Railway and Electric Company for \$10,000 damages for alleged personal injuries. Erskine, represented by Attorney Rudolph H. Yeatman, alleges that June 18 last a car struck a two-horse wagon driven by him, throwing him out and injuring him severely and permanently.

## MISS VERA-VAN NORDEN, Salvation Army worker and most decorated woman in world, who has been invited to march in parade with General Pershing.



## I. O. O. F. MAY VISIT PERSHING PARADE

With only nine days remaining before the scheduled arrival in Washington of the First units of the First division, to parade here on September 17, officials of the War Department and members of the citizens' committee in charge of welcoming General Pershing and the veterans, reported today that only minor details remain for decision before the date of the parade.

Col. Robert N. Harper, chairman of the District citizens' committee, has begun correspondence with members of the committee in charge of the Odd Fellows centennial celebration in Baltimore, asking the Odd Fellows to postpone for one day the parade they plan there on September 17.

Those in charge of plans for welcoming the soldiers to Washington feel assured some arrangement may be reached which will permit the 30,000 Odd Fellows who gather in Baltimore for their convention to come to Washington.

Greetings For Pershing. Wives, mothers and sisters of American soldiers are going to have a chance to join in the greeting to General Pershing when he lands in Hoboken, Monday, from overseas.

Miss Elsie Janis, the actress who was added fame through her work with the "doughboys," at the front in France, today sent an appeal to Washington women to help welcome General Pershing to the United States as he steps from the Leviathan's gang-plank to the docks.

No matter how far away they may be, Miss Janis stated, they can all send telegrams of felicitation to the commander, and address them in care of Miss Janis, at Phillips Manor, Tarrytown, New York. The army's remount service has been able to collect more than 5,000 horses and mules necessary from around New York. These animals are being cared for by members of the First Division at Camps Dix and Mills, in New Jersey and Long Island.

Officers at the War Department this morning in charge of the parade of the First Division stated that all plans are progressing smoothly in getting together the enormous amount of transportation for the division's parade in New York. The army's remount service has been able to collect more than 5,000 horses and mules necessary from around New York. These animals are being cared for by members of the First Division at Camps Dix and Mills, in New Jersey and Long Island.

Arch Ready Next Week. Work of erecting the arch of triumph and the three grandstands on Pennsylvania avenue is going rapidly forward and is expected to be nearly completed by this time next week.

It has been stated at the War Department that Washington will be well represented in the personnel of the First division. It is roughly estimated there are between 250 and 300 Washingtonians at present in the ranks of the First division. A number who formerly served with that unit overseas are now mustered out of the army.

The First regiment of engineers might be called a Washington unit. It is pointed out, although this is one of the oldest regular army units. Before the First division left for overseas, the entire First regiment was in Washington for more than a month, and before the war, Company D, of that regiment, was stationed at Washington Barracks.

Don't let careless expenditure make a sieve of your purse. Buy wisely, and increase your money holdings by investing in W. R. & E.

## POLICE MEET TONIGHT TO BACK LEADERS

Union Confident That District Supreme Court Will Rule in Their Favor.

The special meeting of the City Police Union, called by L. E. Dragger, president, will be held at 8 o'clock tonight in Musicians' Hall, 1608 K street northwest.

At this meeting the 500 members of the union are expected to give unanimous endorsement of the action taken by the union's officers, in putting the police case before the courts.

## No Affiliation Vote.

The main purpose of this meeting, when first called, was to vote on the question of affiliation with the American Federation of Labor. This matter will be discussed, but it is a certainly no final action will be taken.

Confident that the District Supreme Court will rule that the District Commissioners are without authority in dismissing members of the police force because of outside connections, officers of the union will make an attempt to revive the spirit of the men, some of whom were gradually losing interest because of the commission's edict.

Nineteen applications for membership are to be acted upon tonight. The resignation of twenty members will also be announced by President Dragger.

The letter of the District Commissioners to Samuel Gompers, president of the District Federation of Labor, turning down the request of the labor leader that the Commissioners postpone drastic action, has been received at Mr. Gompers' organization. The union stated their edict was not against the federation, nor was it an attempt to cast any reflection upon Mr. Gompers' organization.

## Gompers To Carry On.

What the next step of the federation will be is not known. President Gompers will not let the Commission's letter stop his efforts to have the order declared void by the heads of the District Government.

Several officials of the federation probably will speak tonight at the police meeting.

The union stated the District government's attempt to prevent the enforcement of the commission's order, filed in the District Supreme Court, probably will not be answered until September 15, when the union set for a hearing on the writ, Corporation Counsel Syme has indicated.

Attorneys Lambert and Yeatman, counsel for the union, are today preparing their case to present on the date of the hearing.

## Two Senators Against Union.

Senator Sherman, chairman of the Senate District Committee, on the floor of the Senate yesterday said that Congress ought to express its disapproval of the union's action in support of the District Commissioners' stand regarding the formation of a policemen's union.

Senator Thomas of Colorado declared that the District Supreme Court's injunction restraining the Commissioners temporarily from ousting policemen who are members of the union was a flagrant violation of the injunction power of the court.

He said that the policemen did not need an organization, and that the formation of a policemen's union would be against public policy.

He said that District policemen are in a class by themselves, being Federal, and not civil, employees. He said that in case of strikes in the District, the policemen, if unionized, would sympathize with the strikers and probably would lend their financial as well as moral support.

## WILL STUDY FOOD LAWS IN 2 CITIES

Dr. William C. Fowler, District Health Officer, and Dr. R. R. Ashworth, chief food inspector, leave Monday morning for a trip to New York, Philadelphia, and outlying suburbs to make a survey of the methods in vogue in these cities for conducting dairies, markets, lunch rooms and other places where food is handled.

The Commissioners authorized this trip yesterday.

Dr. Fowler will compare the food establishments in Washington with those in New York and Philadelphia. The main purpose of the visit is to find whether any changes should be made in the manner of conducting food establishments in Washington. Dr. Fowler states that he will adopt any new ideas that he would consider beneficial to the health of residents of Washington, that he finds in his trip.

The two health officers will go first to New York and then to Philadelphia, staying at each city about three days.

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